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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.    |
|--|-------------|----------------------|---------------------|---------------------|
| 10/063,097   | 03/19/2002  | Mark Fredrick Culler | GEN-0206            | 8186                |
| 23413  | 7590        | 09/21/2004           | EXAMINER            |                     |
| CANTOR COLBURN, LLP<br>55 GRIFFIN ROAD SOUTH<br>BLOOMFIELD, CT 06002 |             |                      |                     | PATEL, RAJNICKANT B |
|  |             |                      | ART UNIT            | PAPER NUMBER        |
|  |             |                      |                     | 2838                |

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                  |
|------------------------------|-------------------------------|------------------|
| <b>Office Action Summary</b> | Application No.               | Applicant(s)     |
|                              | 10/063,097                    | CULLER ET AL.    |
|                              | Examiner<br>Rajnikant B Patel | Art Unit<br>2838 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 23 August 2004.
- 2a)  This action is **FINAL**.                            2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1,8-19,21-24,27,28,31-33,38,40,41,43 and 47-49 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1,8-19,21-24,27,28,31-33,38,40,41,43 and 47-49 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \* c)  None of:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Objections***

1. The amendment filed on August 23, 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

Newly added claim 47 is objected because it claims "unitary shell" which is not in the disclosure also not shown on drawings. If shown on drawing please provide item number.

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Engel et al. (U.S. Patent # 5,600,527) in combination with Chunn et al. (U.S. Patent # 6,426,634) and further combination with Bowyer et al. (U.S. Patent # 5,804,953) and Peterson et al. (U.S. Patent # 5,420,799).

Engle et al. disclose the claimed invention a combine current and voltage sensor (figure 1) for sensing current and voltage in a first load strap of a circuit breaker (figure 1, item 25A-25C), the combined current and voltage sensor (figure 1, item 7A, 7B, 7C) comprising: a combined sensor shell (figure 1, item 11); a current sensor located in the combine sensor shell, the current sensor disposed proximate to the first load strap; a first load strap; a first voltage sensor located in the combine sensor shell, the first voltage sensor disposed proximate to the first load strap. However Engle et al. does not disclose the utilization of the technique for a detachable configuration, voltage divider and a wye or delta configuration selection. Chunn et al. teaches the utilization of the technique for a detachable configuration (claim 33). Bowyer et al. teaches the utilization of the technique for a wye or delta connection configuration (Abstract, line 1-20). Peterson et al. teaches the utilization of the similar technique for a voltage divider (figure 14A). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify Engle et al.'s circuit breaker by utilizing the technique taught by Chunn et al., Bowyer et al. and Peterson et al. for the purpose of reducing energy consumption.

3. In regards to claims 47-49 as best understood are disclosed in Engle et al.'s reference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rajnikant B Patel whose telephone number is 571-272-2082. The examiner can normally be reached on 6.30-5.00; m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on 571-272-2082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Rajnikant B Patel  
Primary Examiner  
Art Unit 2838

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